

REMARKS

Favorable reconsideration is respectfully requested in light of the following remarks, wherein Claims 1, 4, 7, 8, 13 and 14 are amended, new Claims 17-20 are added to the application, and Claim 6 is canceled from the application. Currently, Claims 1-5 and 7-20 are pending in the present application.

As an initial matter, Applicant expresses gratitude for the courtesies granted Applicant's attorney in the recent interview. During the interview, proposed amendments to Claims 1 and 14 were discussed. The Examiner appeared to agree that such claim amendments would overcome the art of record. In addition, Applicant presented two new claims for consideration by the Examiner. The Examiner indicated that he would further review such claims.

With regard to the claim objection to Claim 4, Applicant is amending Claim 4 to delete the term "portion" and to provide proper antecedent basis for "a first end". Accordingly, withdrawal of the claim objection is respectfully requested.

Claims 1, 5, 12, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,047,430 to *Angehrn*, in view of U.S. Patent No. 3,693,729 to *Blurton et al.*

As indicated during the interview, Claim 1 has been amended to combine features of the allowable dependent claim 6 with independent Claim 1. Accordingly, Claim 1 is in condition for allowance.

With regard to independent Claim 14, Claim 14 has been amended to further clarify the differences over *Angehrn*. In particular, independent Claim 14 is amended to recite that the

feeding beam is “elongated” and that the rock drilling apparatus is movable “on the feeding beam”. None of the art of record, in combination or alone, disclose these patentable features.

In contrast, *Angehrn* discloses a conventional derrick (34) with conventional draw works (35) (column 3, lines 29-30). The Examiner equates the derrick (34) with the claimed feed beam. However, the derrick (34) is not a beam like object. Further, the kelly (36) and the drill pipe (32) hang from the hook (38), (column 3, lines 30-33, and Figure 2). Thus, *Angehrn* fails to disclose any elongated feed beam on which a drilling apparatus is movable. Accordingly, neither *Angehrn* nor *Blurton et al.*, in combination or alone, disclose the patentable features of independent Claim 14.

In addition, Applicant is adding new independent Claim 19 and 20. Support for these claims can be found in paragraphs [0024] and [0034], and further in Figures 4, 5 and 13.

For at least the foregoing reasons, it is submitted that the portable drill hole measuring device of independent Claim 1, and the claims depending therefrom, are patentably distinguishable over the applied documents. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,


including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: May 22, 2009
DRINKER BIDDLE & REATH LLP
Customer No. 55694
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel. No.: 202-842-8800
EPS:mk

By:



Elaine P. Spector
Reg. No. 40,116
Attorney for Applicants
Tel. No.: (202) 842-8863
Fax No.: (202) 842-8465